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EXAMINER

SINGH, RAMNANDAN P

ART UNIT PAPER NUMBER

2644

7

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,035

Applicant(s)

SAJADI ET AL.

Examiner

Dr. Ramnandan Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The correction to Figure 9 , as submitted by Applicant on 10 January 2002, is hereby approved. However, a formal drawing of Fig. 9 is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Witty et al [US 6,614,665 B1].

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding Claim 1, Witty et al teaches a telecommunication device. Figs. 3 and 4 illustrate a POTS splitter assembly 50. The splitter assembly 50 includes a chassis 90 having a card housing containing a plurality of splitter cards 44 or other card; a circuit board 48; and card edge connectors 60 and 62. The first and second card edge connectors 60 and 62 are used to provide an electrical connection between the interface cards 42 and the splitter cards 44 [col. 4, lines 5-58]. The splitter cards 44 of the splitter assembly each include a plurality of POTS splitters 108 or other types of splitters mounted on a circuit board 110 [col. 4, line 59 to col. 5, line 40]. Fig. 7 shows the splitter assembly 50 of Figs. 3 and 4 [col. 6, line 65 to col. 7, line 5]. Fig. 8 schematically illustrates a cable management structure 200 [col. 7, line 43 to col. 8, line 31].

Claims 12, 29 are essentially similar to Claim 1, and are rejected for the reasons stated above.

Claim 21 is essentially similar to Claim 1 except for a cable management structure. Fig. 8 schematically illustrates a cable management structure 200 comprising a plurality of tie-down loops [col. 7, line 43 to col. 8, line 31].

Regarding Claim 2, Witty et al teaches first and second card edge connectors 60 and 62 to provide an electrical connection between the interface cards 42 and the splitter cards 44 [col. 4, lines 48-58].

Regarding Claim 3, Witty et al teaches connectors 54 preferably as LINE connectors; connectors 56 as POTS connectors; and connectors 58 as DATA connectors [col. 4, lines 34-42].

Claims 7, 13, 24, 31-32 are essentially similar to Claim 3, and are rejected for the reasons stated above.

Regarding Claim 4, Witty et al teaches the connectors 54, 56 and 58 wherein these connectors are standard 50 pin connectors for use with 25-pair cables [col. Col. 4, lines 43-47].

Claims 5-6, 14-16, 23, 30 are essentially similar to Claim 4, and are rejected for the reasons stated above.

Regarding Claims 8-9, Fig. 8 schematically illustrates a cable management structure 200 comprising a plurality of tie-down loops [col. 7, line 43 to col. 8, line 31].

Claims 17-18, 22 are essentially similar to Claims 8-9, and are rejected for the reasons stated above.

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Regarding Claims 10-11, Witty et al teaches a telecommunication device wherein the chassis 90 of the assembly 50 is fastened to the front of the rack 240 [Fig. 7; col. 6, line 65 to col. 7, line 5]. For other applications, the open-ended shape of the slots 509 allows the bracket 501 to be mounted to a rack [col. 10, lines 24-59].

Claims 19-20 are essentially similar to Claim 10-11, and are rejected for the reasons stated above.

Regarding Claims 25-26, Witty et al teaches a telecommunication device. Figs. 3 and 4 illustrate a POTS splitter assembly 50 comprising a chassis 90. The chassis 90 includes a top wall 92 positioned opposite from a bottom wall 94 [col. 4, lines 5-23]. Fig. 8 depicts a cable management structure 200 for cables 452L and 452R which are preferably routed vertically downwardly wherein tie-down loops can be provided on the bar 202 of the cable management structure 200 [col. 7, line 60 to col. 8, line 17].

Regarding Claims 27-28, Witty et al teaches a telecommunication device. Figs. 3 and 4 illustrate a POTS splitter assembly 50 comprising a chassis 90. Cables 452L and 452R are preferably routed vertically upwardly for the cable management structure 200 using a tie-down technique [col. 8, lines 18-31].

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4. Claims 1-32 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter. As shown in paragraph 3 above, Witty et al [US 6,614,665 B2] invented the claimed invention prior to the applicant.

5. Claims 1-7, 12-16 and 29-32 are **provisionally** rejected under 35 U.S.C. 102(e) as being **anticipated** by **copending Application** No. 09/815,386 of Witty et al, now a PG-PUB [20020136396 A1], which has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e), if published under 35 U.S.C. 122(b) or patented. This provisional rejection under 35 U.S.C. 102(e) is based upon a presumption of future publication or patenting of the copending application.

This provisional rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131. This rejection may not be overcome by the filing of a terminal disclaimer. See *In re Bartfeld*, 925 F.2d 1450, 17 USPQ2d 1885 (Fed. Cir. 1991).

Regarding Claim 1, Witty et al teaches a telecommunication device comprising: a chassis including POTS splitter assembly with several splitter cards mounted within the chassis. Figs. 4-6 illustrate a POTS splitter assembly 50 wherein the POTS assembly 50 includes a chassis 52 for mounting a plurality of POTS splitter cards 54 or other

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cards. Each of the splitter cards 54 preferably includes a line connector 56 for inputting/outputting composite voice/data signals, a POTS connector 58 for inputting/outputting voice signals; and a data connector 60. The splitter cards 54 of the splitter assembly each include a plurality of POTS splitters 88 or other types of splitters mounted on a circuit board 90. The circuit board 90 electrically connects the POTS splitters 88 to connectors 56, 58 and 60 [Paragraphs 0030-0032; 0033-0035; 0038-0040; 0044; Claims 1-2, 10-11, 18].

Claims 12, 29 are essentially similar to Claim 1, and are rejected for the reasons stated above apropos of Claim 1.

Regarding Claim 2, [see paragraphs 0031; 0034-0035].

Regarding Claim 3, [see paragraph 0003].

Claims 7, 13, 31, 32 are essentially similar to Claim 3, and are rejected for the reasons stated above.

Regarding Claim 4, [see paragraph 0033].

Claims 14 and 30 are essentially similar to Claim 4, and are rejected for the reasons stated above.

Regarding Claims 5-6, [see paragraph 0027-0028].

Claims 15 and 16 are essentially similar to Claims 5-6, and are rejected for the reasons stated above.

6. Claims 1-7, 12-16, 29-32 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter. As shown in paragraph 5 above, Witty et al [US 20020136396 A1] invented the claimed invention prior to the applicant.

7. Claims 1-7, 12-16, 29-32 are **provisionally** rejected under 35 U.S.C. 102(e) as being **anticipated** by **copending Application** No. 09/815,161 of Witty et al, now a PG-PUB [20020136392 A1], which has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e), if published under 35 U.S.C. 122(b) or patented. This provisional rejection under 35 U.S.C. 102(e) is based upon a presumption of future publication or patenting of the copending application.

This provisional rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131. This

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rejection may not be overcome by the filing of a terminal disclaimer. See *In re Bartfeld*, 925 F.2d 1450, 17 USPQ2d 1885 (Fed. Cir. 1991).

Regarding Claim 1, Witty et al teaches a telecommunication device comprising: a chassis including POTS splitter assembly with several splitter cards mounted within the chassis. Figs. 4-6 illustrate a POTS splitter assembly 50 wherein the POTS assembly 50 includes a chassis 52 for mounting a plurality of POTS splitter cards 54 or other cards. Each of the splitter cards 54 preferably includes a line connector 56 for inputting/outputting composite voice/data signals, a POTS connector 58 for inputting/outputting voice signals; and a data connector 60. The splitter cards 54 of the splitter assembly each include a plurality of POTS splitters 88 or other types of splitters mounted on a circuit board 90. The circuit board 90 electrically connects the POTS splitters 88 to connectors 56, 58 and 60 [Paragraphs 0029-0035; Claims 1-8, 14-18].

Claims 12, 29 are essentially similar to Claim 1, and are rejected for the reasons stated above apropos of Claim 1.

Regarding Claim 2, [see paragraphs 0030; 0033-0034].

Regarding Claim 3, [see paragraph 0029].

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Claims 7, 13, 31, 32 are essentially similar to Claim 3, and are rejected for the reasons stated above.

Regarding Claim 4, [see paragraph 0032].

Claims 14 and 30 are essentially similar to Claim 4, and are rejected for the reasons stated above.

Regarding Claims 5-6, [see paragraph 0026-0028, 0036].

Claims 15 and 16 are essentially similar to Claims 5-6, and are rejected for the reasons stated above.

8. Claims 1-7, 12-16, 29-32 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter. As shown in paragraph 5 above, Witty et al [US 20020136392 A1] invented the claimed invention prior to the applicant.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Guenther et al [US 6,438,226 B1], see Figs. 1-8; Abstract;

(ii) Staber et al [US 6,137,866], see Figs. 1-6.


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Ramnandan Singh whose telephone number is (703)308-6270. The examiner can normally be reached on M-F(8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester Isen can be reached on (703)-305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.

Dr. Ramnandan Singh
Examiner
Art Unit 2644



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